IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7881 OF 2006

S.C.Shah ...Petitioner
vs.
Pramila Wakade ...Respondent

Mr.S.N.Chandrachood for the Petitioner
Ms Shivani Tomar i/b Mr.Ketan Chothani for the Respondent.

CORAM: A.S.OKA,J.
DATE : FEBRUARY 5,2007.

P.C.:

1. This Petition under Article 227 of Constitution of India is preferred for challenging an order by which a Commissioner for local inspection has been appointed by the Trial Court in exercise of powers under Order XXVI Rule 9 of Code of Civil Procedure,1908. The submission of the learned Counsel for the Petitioner is that the earlier application was made for similar relief was rejected by the Trial Court and the rejection of said Application has been confirmed by the Revisional Court.

2. There is no prejudice to the Petitioner if local inspection is carried out. Rights of the parties are not affected if the local inspection is carried out. Even if the Commissioner submits a report, the Petitioner can always file an objection to the said report and can apply for examining the Commissioner on oath. There is no perversity or illegality in the impugned order. Petition is not entertained and the same is rejected.

3. All contentions of the parties are kept open.

JUDGE